

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ULA SPENCER,

Plaintiff,

v.

CACH, LLC. and  
KANTER & GRUBESIC, P.A,

Defendants.

**COMPLAINT FOR DAMAGES FOR ABUSIVE DEBT COLLECTION**

1. Plaintiff brings suit against Defendants for violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, *et seq.* (“FDCPA”).

**Jurisdiction**

2. This Court has jurisdiction under the FDCPA, 15 U.S.C. § 1692k(d), and under 28 U.S.C. §§ 1331 and 1337.

**Parties**

3. Plaintiff Ula Spencer resides in Albuquerque, New Mexico. She is a “consumer” as defined by 15 U.S.C. § 1692a(3). At all times relevant to this complaint, she resided in New Mexico.
4. Defendant CACH, LLC (“CACH”) is a foreign company whose principal business is the collection of consumer debts. It regularly collects or attempts to collect debts owed or due or asserted to be owed or due another. It has been engaged by multiple creditors to do so. Client Services is a “debt collector” as defined by 15 U.S.C. § 1692a(6).
5. Defendant Kanter & Grubestic, P.A. is a law firm whose principal business is the collection of consumer debts. It regularly collects or attempts to collect debts owed or

due or asserted to be owed or due another. It has been engaged by multiple creditors to do so. Kanter & Grubestic, P.A. is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

### **Facts**

6. In August, 2009 CACH sued Ms. Spencer in the Second Judicial District Court to collect an alleged debt. Kanter & Grubestic is the attorney for CACH.
7. On November 23, 2009 attorney Richard N. Feferman filed an Entry of Appearance in the debt collection lawsuit, on behalf of Ms. Spencer.
8. On November 23, 2009 Mr. Feferman sent Dana Grubestic, at Kanter & Grubestic, P.A., a copy of his Entry of Appearance.
9. Kanter & Grubestic, P.A. received the Entry of Appearance and placed it in its case file.
10. On January 12, 2010 CACH, through Kanter & Grubestic, P.A., sent Ms. Spencer a letter attempting to collect the debt, despite knowing that she was represented by counsel.
11. On February 1, 2010 counsel for plaintiff personally called Dana Grubestic and discussed with her the defendants’ illegal January 12 communication with his client.
12. Despite that discussion, on July 24, 2010 CACH, through Kanter & Grubestic, P.A., sent Ms. Spencer *another letter* attempting to collect the debt, absolutely disregarding her representation by counsel.
13. Upon information and belief, CACH and Kanter & Grubestic jointly control the sending of letters to collect CACH’s accounts.
14. As a result of the January 12 and July 24 letters, Ms. Spencer suffered actual damages, including interference with the attorney-client relationship, inconvenience and aggravation.

### **Claim for Relief: Violation of the FDCPA**

15. The foregoing actions of Defendants violate the FDCPA, including 15 U.S.C. § 1692c(a)(2), which prohibits communication with the consumer if the debt collector knows the consumer is represented by an attorney with respect to that debt.
16. Plaintiff is entitled to recover statutory damages and actual damages, plus costs and reasonable attorney fees.

WHEREFORE, Plaintiff prays that this Honorable Court:

- a. Award statutory and actual damages for Defendants' violations of the Fair Debt Collection Practices Act.
- b. Award costs and reasonable attorney's fees;
- c. Grant such other relief as it deems just and proper.

Respectfully submitted,

*/s/ Richard N. Feferman*

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